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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2617

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,262

Applicant(s)

RAINVILLE ET AL.

Examiner

Joseph G. Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 27 October 2005 in application 09/731,262. Claims 1-15 are pending. Claims 1, 5, 10, 12, 14, and 15 are amended.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 October 2005 has been entered.

The objection to the abstract is now withdrawn in view of the amendments.

Claim Objections

2. Claim 2 is objected to because of the following informalities:

Claim 2 recites the limitation "said transparency control input" in line 2. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear to which input the system is responsive to, the "user inputs (claim 1)" or the "transparency control input (claim 2)", to control the transparency levels between the graphic image and television image.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Marshall et al. (US005828420A).

Regarding claim 1, Butler et al. (Butler) discloses a system that provides enhance content with broadcast video. Butler discloses that the receivers or "display generator" include a video subsystem for combining ancillary/supplemental data, which include graphics or "a graphics image" (See paragraph 0062), and broadcast video or "television video image" (See Fig. 2 and 5; paragraph 0009). The ancillary data are sent as HTML files or "graphics image being defined by an HTML syntax" and the broadcast video is "derived from a real time television signal" (See Fig. 1; paragraph 0032). The receiver includes a processor that renders the "graphics image to form" an overlay or "rendered graphics image" (See paragraph 0019 and 0051), where inherently the processor follows the HTML code for "for parsing, layout and rendering". Furthermore, Butler discloses that the overlays are stored in a cache storage or "graphics memory" where it can be retrieved for later use (See paragraph 0055). The receiver further includes a receiver or "television video receiver" for output video broadcasted over the

network or “having an output forming said television video image” (See paragraph 0032). The video subsystem or “video combiner” receives the overlays from the cache storage and the broadcast video from the receiver to combine the overlays with the broadcast video to produce a “combined display of said graphics image and said television video image” (See paragraph 0036), where inherently the “individual pixels of said rendered graphics image” are combined with “respective individual pixels of said television video image” in order to produce the desired display with both the overlays and broadcast video. Furthermore, the broadcast video is received through the receiver (See Fig. 2, receiver 58; paragraph 0032) and the supplemental data can be received through the modem (See Fig. 2, modem 138; paragraphs 0017 and 0041) or “wherein the rendered graphics image and the television video image are from different sources”. However, Butler does not disclose a controller responsive to user inputs to adjust the transparency of the pixels of the rendered graphics image and the television image.

Marshall et al. (Marshall) discloses a system for generating an electronic program guide (EPG) or “rendered graphics” to be displayed along with program broadcast or “television video image”. The user of the system can instruct the computer or “controller” to select different percentage levels of transparency applied to the EPG when displayed with the video or “adjusting a transparency of individual pixels of the rendered graphics image and the television video image” (See Fig. 1; column 2 line 35 – column 3 line 45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the video subsystem disclosed by Butler to include a controller that is responsive to “user inputs” that adjusts the

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transparency levels of the graphics image and the television video image, as taught by Marshall, in order to minimize the obstruction of the video of the broadcast by the graphics.

Regarding claim 2, as discussed above, the system is able to adjust the transparency levels of the graphics image and the television video image. Furthermore, the system includes a remote or “transparency control input terminal” that allows the user to successfully apply the various levels of transparency (See Marshall Fig. 1; column 3 lines 5-45).

Claim 10 contains the limitations of claim 1 (wherein the system performs the method) and is analyzed as previously discussed with respect to that claim.

Claim 11 contains the limitations of claims 2 and 10 and is analyzed as previously discussed with respect to those claims.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Marshall et al. (US005828420A) as applied to claims 1, 2, 10, and 11 above, and further in view of Lawler et al. (US005907323A).

Regarding claim 3, Butler in view of Marshall does not disclose a “size control input terminal” and a “video resizing module” that resizes the broadcast video in response “to a size control input to scale said television video image by a factor determined by said size control input”.

Lawler et al. (Lawler) discloses a system for generating an interactive system user interface images or graphics to be displayed along video or broadcast video. The

system is able to resize and position the video within the interface in response to commands received from the CPU or to resize the broadcast video in response “to a size control input to scale said television video image by a factor determined by said size control input” (See Fig. 3A element 94; column 4 line 64 – column 5 line 11).

Inherently, the system includes a “size control input terminal” and a “video resizing module”, where inherently an input is provided to the receiver and an output is provided to the mixer or video subsystem, in order to successfully resize and position the video within the interface (See Fig. 2 and 3A). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver and video subsystem disclosed by Butler in view of Marshall to include a “size control input terminal” and a “video resizing module” that resizes the broadcast video in response “to a size control input to scale said television video image by a factor determined by said size control input”, as taught by Lawler, in order to provide more control over how much space the video will occupy over the graphics.

Regarding claim 4, the CPU also sends commands that control the positioning of the video or to position the broadcast video at “a position determined by said position control input” as discussed in claim 3 above. Where inherently the system includes a “position control input” in order to successfully position the video within the interface. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver and video subsystem disclosed by Butler in view of Marshall to further include a “position control input” that positions the broadcast

video at "a position determined by said position control input", as taught by Lawler, in order to provide more control over where the video will be placed over the graphics.

Claims 5, 7, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Marshall et al. (US005828420A), Kanungo (US20030056215A1), and Kurita et al. (US005970511A).

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Butler in view of Marshall does not disclose a "television video HTML statement defining a television video HTML object" to provide instructions to the video subsystem to "position said television video image in said graphics image to form said combined display".

Kanungo discloses a system where a web page or also known as a "graphics image" is displayed on a television. Within the web page is a video area or "television video HTML object" that "positions said television video image in said graphics image to form said combined display" (See Fig. 2, Fig. 3A-3D elements 304, Fig. 8A "coordinates of video display). Kanungo also discloses that the video area of the web page can be implemented as a part of the page described by HTML language (See paragraph 0050).

Kurita et al. (Kurita) discloses a system that uses HTML language to provide information to the users. The system utilizes HTML standards to call or load a moving picture file or video, i.e. <video src=http://nearhostY/eee.mpg> or "video HTML statement" (See Fig. 7 and Fig. 8 element B) or to load an applet that controls tuner

functions (See Kanungo Fig. 12), where it is well known that HTML includes various commands that involve positioning objects, such as video, within a web page.

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver and video subsystem disclosed by Butler in view of Marshall to display the broadcast video as a "television video HTML object" within a web page at a desired position or "position said television video image in said graphics image to form said combined display", as taught by Kanungo, and to include an "television video HTML statement" to provide instructions to the video subsystem, as taught by Kurita, in order to provide seamless integration of video and web page data by using an established and well known language thereby increasing the amount of entertainment provided to the user.

Regarding claim 7, Butler in view of Marshall, Kanungo, and Kurita discloses that the receivers reads and follows the HTML instructions (See Butler paragraph 0051). Furthermore, Kanungo discloses a HTML statement that states the size of the object (e.g. width = 100 height = 300) (See Kanungo Fig. 12).

Regarding claim 8, Butler in view of Marshall, Kanungo, and Kurita discloses that the receivers reads and follows the HTML instructions (See Butler paragraph 0051). Furthermore, Kanungo discloses a HTML statement that states the position of the object (e.g. align = right) (See Kanungo Fig. 12).

Claim 12 contains the limitations of claims 5 and 10 and is analyzed as previously discussed with respect to those claims.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Marshall et al. (US005828420A), Kanungo (US20030056215A1), and Kurita et al. (US005970511A) as applied to claims 5, 7, 8, and 12 above, and further in view of WWW-TV URI/URL/URN Usages.

Regarding claim 6, Butler in view of Marshall, Kanungo, and Kurita does not disclose that the receiver is responsive to a HTML statement to determine the channel selected by the television receiver.

WWW-TV URI/URL/URN Usages discloses HTML statements that used within web pages to control what channel the tuner is tuned to, e.g. tv://ntsc:4 or (See pages 2-3 and 6). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the "television video HTML statement" disclosed by Butler in view of Marshall, Kanungo and Kurita to include commands that "determine the channel selected by said television receiver", as taught by WWW-TV URI/URL/URN Usages, in order expand the functionality of the system thereby providing more features to the user.

Claim 13 contains the limitations of claims 6 and 12 and is analyzed as previously discussed with respect to those claims.

Claims 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Marshall et al. (US005828420A), Kanungo (US20030056215A1), and Kurita et al. (US005970511A) as applied to claims

5, 7, 8, and 12 above, and further in view of WWW-TV URI/URL/URN Usages and HTML 4.01 Specification.

Regarding claim 9, Butler in view of Marshall, Kanungo, and Kurita discloses that the "television video HTML statement" is given by <video src=http://nearhostY/eee.mpg> or by loading an applet <applet code=virtualcontrollerapplet ALIGN=right width=100 height=300 vspace=20> (See claim 5 above). It is well known to add attributes to define objects in an HTML statement as shown by Kanungo Fig. 12, e.g. height =300, width=100. However, Butler in view of Marshall, Kanungo, and Kurita does not disclose that the "television video HTML statement" includes the commands: (1) "SRC specifies the source as the Frequency or Channel Number" and (2) BORDER specifies the border around said television video HTML object".

(1) WWW-TV URI/URL/URN Usages discloses HTML statements that used within web pages to control what channel the tuner is tuned to, e.g. tv://ntsc:4 or (See pages 2-3 and 6). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the "television video HTML statement" disclosed by Butler in view of Marshall, Kanungo and Kurita to include commands that "determine the channel selected by said television receiver", as taught by WWW-TV URI/URL/URN Usages, in order expand the functionality of the system thereby providing more features to the user.

(2) HTML 4.01 Specification discloses various commands and attributes used to define objects within an HTML statement. The HTML 4.01 specification discloses the

use of the BORDER function that specifies the border around an object, e.g. an image or table (See pages 130-131). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the "television video HTML statement" disclosed by Butler in view of Marshall, Kanungo, and Kurita to include commands such as BORDER, as taught by the HTML 4.01 Specification, in order to provide more control over how the video object is displayed in respect to graphics.

Claim 14 contains the limitations of claims 9, 10, and 12 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 1, 5, and 9 and is analyzed as previously discussed with respect to those claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Zigmond et al. (US006785902B1) and Weinstein et al. (US006604242B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JGU
January 19, 2006


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